

**Sept. 18, 2014**

**The Conservation Council sent a series of questions related to air and climate protection, forest management, clean water, and the development of energy projects to the Leaders of all five political parties in New Brunswick. These are their responses.**

**Note that the responses are complete, verbatim and unedited. The New Democratic Party, Green Party and Liberal Party completed the questionnaire. The Progressive Conservatives and Peoples' Alliance of NB did not respond.**

## **Background**

### **Air and Climate Protection**

**New Brunswick's current climate change plan lacks both ambitious reduction targets and adequate incentives for residents to reduce their carbon footprint.**

**Outdated laws and weak air quality guidelines are a major reason why emissions of pollutants such as sulphur dioxide (SO<sub>2</sub>), nitrogen dioxide (NO<sub>2</sub>), volatile organic compounds (VOCs) and greenhouse gases continue to negatively impact residents of the province, especially those living in communities such as Saint John, Belledune and Miramichi. By contrast, the governments of Quebec and Ontario recently updated air quality regulations with respect to VOCs, SO<sub>2</sub>, NO<sub>2</sub> and benzene.**

### **Lands and Forestry**

**The Crown Lands Forestry Strategy announced by the provincial government in March 2014 fails to ensure the future environmental and economic sustainability of the remaining stands of Acadian forest in New Brunswick. Policy experts and scientists warn the strategy will have significant negative impacts on species, water quality and ecosystem viability.**

### **Water**

**Changes to New Brunswick's water-related policies over the last four years have weakened measures that were once touted among the most progressive water protection laws in Canada.**

**On Aug. 14, 2014, a report tabled by the New Brunswick Ombudsman revealed the Department of Environment has "perpetuated the illusion" of a water classification system in New Brunswick for the past 12 years. The report stated successive ministers have failed to act on all of 19 applications to classify waterways in the province, misusing ministerial discretion to "render null" the entire program.**

### **Energy and Risks to Water**

**The proposed route for TransCanada's Energy East pipeline crosses several important bodies of water in New Brunswick, including the St. John, Miramichi, Tobique, Salmon and Madawaska river systems, Coal Creek (which drains into Grand Lake), and the Bay of Fundy.**

**A report recently released by the Council of Canadians and the Conservation Council of New Brunswick determined spills of diluted bitumen (dilbit) pose greater threats to water resources than spills of conventional oils. The report found dilbit can seep into groundwater, contaminating aquifers, streams, rivers and lakes, with the impact exceptionally higher in saltwater bodies such as the Bay of Fundy, where dilbit sinks to form balls of tar in the marine habitat.**

**Meanwhile, this March saw the Council of Canadian Academies state water contamination is the greatest threat posed by fracking. Penned by 14 scientists from across the country, the report determined there has been no comprehensive investment in the research and monitoring of environmental impacts related to shale gas extraction; what little data is available are not made public; and a shale boom could worsen climate change by driving investment away from renewable energy projects.**

**Following are the ten questions included in the CCNB questionnaire and the responses from parties:**

**CCNB: If elected, will your government commit to reviewing New Brunswick air quality regulations to ensure the province's residents are protected by standards that are health-effects based and are at least on par with those in Quebec and Ontario?**

**Liberal: We will take concrete actions to improve the air quality for New Brunswickers through a greater focus on renewable energies, whether wind, solar, or tidal power. We will continue to work with businesses, environmental and health groups to help find ways to increase the air quality. Improving environmental standards will require a partner in the federal government. We must also push the Harper Conservatives to work productively on improving air quality across the country so that New Brunswick and other maritime provinces are less affected by pollutants coming from industries from outside the area.**

**NDP: Yes. Air quality regulations would fall under the purview of the new Chief Provincial Scientist office that the NDP will set up, ensuring that regulations are evidence-based and not subject to political interference, and properly enforced. The Chief Provincial Scientist would also be able to enhance regulations.**

**Green: Of course. Reducing exposure to harmful contaminants, including carcinogens and developmental toxins which continue to be emitted from industrial facilities, is a central component of our preventative health strategy. Until we reduce such exposures, the costs of health care, not to mention the strain on individual and family resources of pollution-linked illnesses, will continue to spiral. Historically, the connections between pollution and ill health have been downplayed and denied by the provincial government. Not since the**

**crack-down on SO2 emissions two decades ago has the government paid any attention to this issue. The Green Party will change this.**

**CCNB: If elected, will your government commit to re-assessing the 2020 greenhouse gas reduction target?**

**Liberal: We are committed to working with industry, environmental and health groups to ensure we improve the air quality for New Brunswickers. We will also take action to develop more green energy and help families make their homes more energy efficient. We believe these types of concrete actions will help decrease the amount of greenhouse gases released in New Brunswick. To make a real impact on greenhouse gas emissions, we need a willing partner with the federal government. We will also push the federal government to develop a better national strategy to fix this issue.**

**NDP: An NDP government would task the Chief Provincial Scientist to develop targets.**

**Green: Yes. The Green Party election platform reads: “Legislate new provincial greenhouse gas reduction targets of 15% below 2012 levels by 2020; 40% below 2012 levels by 2030; and 75 to 85 percent below 1990 levels by 2050 in keeping with global efforts to stabilize the climate system through the phase out of fossil fuels and shift to a renewable energy system.” In addition, the Green Party would deny permits for new fossil fuel infrastructure such as pipelines, and we would ban the exploration and exploitation of shale gas and cancel existing licences and leases.**

**CCNB: If elected, will your government commit to developing a province-wide action plan to retrofit our building stock to create conservation and renewable energy opportunities?**

**Liberal: We will reinstate home energy efficiency retrofit programs to help people make their homes more energy efficient. We believe this will help lower the cost of living for New Brunswickers, all the while creating jobs, stimulating the economy, encourage the development of the energy efficiency industry and help our environment.**

**NDP: The NDP will restore the New Brunswick Residential Energy Efficiency Program and look to extend it to benefit lower-income earners in particular.**

**Green: Yes. Our platform makes the following commitment: “Give New Brunswick’s Energy Efficiency and Conservation Agency [Efficiency NB] the mandate to pursue a ten-year building retrofit strategy with clear targets to reduce energy demand and lower heating costs for households and business through financial incentives and technical advice.”**

**CCNB: If elected, will your government develop a broad incentive package for residents and our businesses to reduce their consumption of fossil fuels at home, at work and in their vehicles?**

**Liberal:** We will give people incentives to make their residences more energy efficient. We will also develop a local food and beverage strategy, which will help lower the consumption of fossil fuels required for transportation. We will also develop renewable energy projects so that more New Brunswickers can get their energy from non-fossil fuel sources.

**NDP:** Please see the above answer in relation to homes. Workplaces and vehicles would be under the mandate of NB Power.

**Green:** Yes, sort of. The retrofit program (above) which would contribute to this and is incentive-based. The Renewable Energy Act would include measures to ensure that most residential and commercial heating is supplied by geothermal, bioenergy and solar space heating; those measures would likely be in the form of incentives. Other measures to reduce dependence on fossil fuels would involve direct spending by government rather than incentives. We would restore Efficiency NB's original mandate to expand affordable and accessible public transportation in order to reduce dependence on private vehicles. These measures, as well as the retrofit program and renewable energy investments, would be financed by a pollution tax on imported and produced carbon at the point where it enters the economy (\$10/tonne), as well as part of the federal gas tax rebate. The gas tax fund would also be allocated to programs and infrastructure to ensure cities are walkable and bike accessible.

**CCNB:** If elected, will your government commit to replacing the outdated Crown Lands and Forest Act with legislation that protects water, wildlife and unique ecosystems including old growth stands, makes certain there are no back-room deals and creates a wider range of forest-based jobs?

**Liberal:** We are open to having an open consultation to ensure that we have the most modern, innovative Act possible, as the Act has not been revised in some time. We cannot, however, operate in a silo when doing so. We need more information on the forestry plan signed by the Alward Conservatives behind closed doors. Once we have all the facts and share them with New Brunswickers, we will be able to better evaluate the different changes which need to be brought to the Act.

**NDP:** The NDP want transparency in contracts and no more back room deals. We will make sure existing conservation and environmental protection legislation is enforced, and mandate the Chief Provincial Scientist to develop additional, strong regulations. The need for greater transparency in these matters is part of the reason why the NDP will immediately launch a judicial reference to see if the Alward government's backroom forestry strategy was legal, based on the June 2014 Tsilhqot'in decision. We will create a certification process for all companies allowed access to crown lands requiring third party measurement of key environmental indicators such as reforestation, protection of wildlife and reinvestment in communities. We will further protect waterways by removing ministerial discretion from Regulation 2002-13, the Water System Classification Regulation. A new Human Health and Environmental Protection Agency, within the office

of the Chief Provincial Scientist, will be empowered to set new standards for human health and the environment and ensure that all resource programs are good for New Brunswick.

**Green:** Yes. The Green Party platform includes the following provisions: (1) Replace the Crown Lands and Forests Act with a Crown Land Forest Sustainability Act. The Act would create a new management structure that respects our treaty relationship with First Nations and the Supreme Court's recent Tsilqhot'in decision, works with forest-based communities, linking access to forest resources to local regions, while protecting water, fish and wildlife. (2) Implement a plan to protect and restore Acadian forest biodiversity, ending logging in any remaining old growth forest. (3) Enact legislation to immediately cancel all contracts signed by the Alward government with forestry companies. (4) Provide for the creation of Community Forest Licences, adjacent to and within municipalities and First Nations. Community Forest licence holders would have the authority to control the use of forest resources within that licence. A portion of stumpage fees would remain with the community. (5) Replace timber-using companies (the mills) as the managers of Crown land with professional management authorities that are publicly accountable to the people of the province. Forest management services could be provided by cooperative, social or business enterprises or by public sector agencies through forest management agreements signed with the Dept. of Natural Resources, First Nations or municipalities, depending on the relevant jurisdiction.

**CCNB:** If elected, will your government commit to supporting sustainable wood harvesting and ensure our woodlot owners are the first source of wood supply to our mills?

**Liberal:** We believe private woodlot owners must be given a chance to create jobs. We must give them support and ensure they are as efficient and as sustainable as possible. A government forestry plan must take private woodlot owners into consideration and ensure they get their fair access of market access.

**NDP:** An NDP government would: (1) Maintain and enforce the provincial government's private woodlot timber objectives in fulfilling future wood supply; (2) Work to create a provincial community forest strategy, allowing municipalities to use crown lands to strengthen their economies; (3) Explore a tax deferral program for retired private woodlot owners.

**Green:** Yes. This measure is in the Green Party platform.

**CCNB:** If elected, will you commit to ensuring the majority of the 19 rivers submitted for government action are classified under the Clean Water Act regulation within your first year as government?

**Liberal:** We will take steps to help ensure the health of our rivers and drinking water. We will centralize all conservation, inspection and enforcement functions in one department. This will provide better oversight, and public and environmental protection.

**NDP: Yes.**

**Green: Yes. This is a priority.**

**CCNB: If elected, will you commit to introducing a Watershed Protection Act that would require comprehensive watershed-based protection plans?**

**Liberal: This is not in our platform. That said, we will consult broadly with environmental groups and ensure the adequate funds are in place to help develop multi-year projects to help protect our waterways and environment. For example, we will put in place an Environmental Trust Fund is used for grassroots environmental projects and provides opportunities for funding for multi-year projects.**

**NDP: Enforce existing legislation, something both Conservative and Liberal governments have neglected, and refer to HHPEA for further actions.**

**Green: The Green Party platform includes a provision which would require Regional Service Commissions to integrate management on a watershed basis into their planning responsibilities. While we did not specify a legislative basis for this responsibility, it makes sense to do so. Obviously, such planning would also have to meet the requirements of any water classification regulation related to a particular watershed.**

**CCNB: If elected, will you commit to producing a report on the adequacy of New Brunswick's ability to respond to a serious oil pipeline break and/or spill from tankers in our saltwater ports and freshwater systems?**

**Liberal: Through the centralization of conservation, inspection and enforcement functions, we will be able to increase the environmental protection and oversight. When looking at developing pipeline and terminal projects, we must ensure not only that they are environmentally safe, but that, in case of an emergency, we are able to respond quickly and ensure there is minimal to no impact on health to the local populations as well as the environment and wildlife.**

**NDP: Two of the NDP's conditions for supporting the Energy East pipeline are: (1) World-leading marine oil spill response, prevention and recovery systems for New Brunswick's coastline; (2) World-leading practices for land oil-spill prevention, response and recovery systems to manage and mitigate the risks and costs of heavy oil pipelines. The NDP would make it a condition to have adequate pipeline break and spill response ability before a pipeline project goes through.**

**Green: The Green Party would not issue permits to allow the Energy East pipeline to be built, thereby eliminating this risk to water. That said, should the federal government find some legal way to override the Province in this case, it may be useful to have such a study**

done. Therefore, we would support that being done. There is no harm in gathering information.

**CCNB:** If elected, will you commit to a moratorium on the development of shale gas resources until it can be ascertained that its extraction poses no unacceptable risk to water?

**Liberal:** We have consistently called for a moratorium on hydraulic fracturing until risks to the environment, health and water are fully understood. Any decision on hydraulic fracturing will be based on peer-reviewed scientific evidence and follow recommendations of the Chief Medical Officer of Health. This controversial extraction technique will not be permitted unless: (1) Extensive public consultations are held to determine if there is a social consensus; (2) Methods exist to avoid unacceptable risks to the environment, health and water; (3) We are able to maximize benefits through a royalty regime that benefits the province and its citizens; (4) We can plan appropriately for its impact on provincial infrastructure; (5) We can develop a country-leading regulatory regime and sufficient enforcement capability; (6) The economic and long-term employment benefits justify any residual risk.

**NDP:** The NDP position on shale gas goes farther than this recommendation. Shale gas development would be subject to a legislative ban that could not be removed for two years, and only then if a two-test model determines that shale gas extraction can be done safely and earn money that we can invest in making this province a better place to live. That's why we have developed a clear framework to approve or reject resource projects: Two tests, one vote. The first test will be administered by the independent Human Health and Environmental Protection Agency, which would be headed by the Chief Provincial Scientist office, with the costs of administering the test to be carried 100% by industry. The agency will decide whether the industry is capable of safe operation, with safety including impacts on human health and the environment and if the answer to that question is yes, what requirements the industry will need to meet. If the HHEPA decides the industry is unsafe the proposal will be rejected. If the industry's proposal passes the first test then the costs of implementing the list of conditions set by the HHEPA will be established by the Department of Finance. A provincial royalty rate will be established above any costs to be borne by the province or industry. This must include benefits and royalties due to First Nations through full government-to-government consultation. If the final price makes the project financially unviable then the industry will not go ahead. The industry will then have to decide if it is ready to bear the cost of safe operations that benefit New Brunswick. The final step, if a proposal reaches this stage, is for an open vote in the Legislature where NDP MLAs will be able to vote based on their conscience and the wishes of their constituents. Only if the proposal passes this final stage will the industry be allowed to go ahead. If any industry fails either test, or the final vote, the industry will not be eligible to reapply for approval for two years from the date of rejection. The reapplication will only be considered if the criteria that resulted in the initial rejection has changed. All of this information will be made public. We will apply the two-test one-vote model of safety and profitability to all natural resource development proposals. In addition to the two tests,

**legal requirements regarding Aboriginal and treaty rights must be addressed. First Nations will be provided with the opportunities, information and resources necessary to participate in and benefit from all projects.**

**Green: As mentioned previously, the Green Party platform calls for a complete ban on shale gas exploration and exploitation, as well as the immediate cancellation of existing exploration licences and production leases.**